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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Case No. 17-cv-00814

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PARANEE SARIKAPUTAR, and
PHOUVIENGSONE SYSOUVONG,
a/k/a Tukta Phouviengsone,
on behalf of themselves and others similarly situated
Plaintiffs,

v.

VERATIP CORP
d/b/a ThaiNY,
d/b/a M-Thai,
d/b/a Thai Rice and
d/b/a Tom Yum;
J AKIRA LLC
d/b/a ThaiNY,
d/b/a M-Thai,
d/b/a Thai Rice and
d/b/a Tom Yum;
THAINY RESTAURANT LLC
d/b/a ThaiNY,
d/b/a M-Thai,
d/b/a Thai Rice and
d/b/a Tom Yum;
NINETY-NINE PLUS CORP
d/b/a ThaiNY,
d/b/a M-Thai,
d/b/a Thai Rice and
d/b/a Tom Yum;
9999 MIDTOWN CORP
d/b/a ThaiNY,
d/b/a M-Thai,
d/b/a Thai Rice and
d/b/a Tom Yum;
PERAPONG CHOTIMANENOPHAN
a/k/a Peter Chotimanenophan;
MICHAEL P BRONSTEIN and
CHARDENPONG OONAPANYO,

Defendants.

**AFFIDAVIT OF VINAI
PATAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CONDITIONAL
COLLECTIVE
CERTIFICATION**

-----X

I, VINAI PATAN, being duly sworn and under penalty of perjury, deposes and states as follows:

1. I am a resident of Queens, New York, and I am over 18 years of age.
2. I have personal knowledge of the matters stated below.
3. ThaiNY has two locations:
 - a. “Thainy Downtown” at: 394 Third Avenue, New York, NY 10016.
 - b. “Thais New York Uptown” at: 1750 2nd Avenue, New York, NY 10128

(formerly located at 1718 2nd Avenue, New York, NY 10128).

4. M-Thai also has two locations:
 - a. “M-Thai 1” at:232 Eighth Avenue, New York, NY 10011; and
 - b. “M-Thai 2” at 200 Eighth Avenue, New York, 10011.

5. Thai Rice is located at 165 West 23rd Street, New York, NY 10011.

6. From on or about February 14, 2012 (Valentine’s Day) till December 21, 2013, I worked for ThaiNY Downtown and ThaiNY Uptown.

7. From on or about February 14, 2012 (Valentine’s Day) till December 21, 2013, I worked seven (7) days a week.

8. I would work from:
 - a. 10:30 to 23:00 with one hour break, for eleven and a half (11.5) hours, for three (3) days and thirty four and a half (34.5) hours a week;
 - b. From 10:30 to 24:00, with one hour break, for twelve and a half (12.5) hours, for two (2) days or twenty five (25) hours a week; and
 - c. From 11:00 to 22:00, with one hour break, for eleven (11) hours , with one hour break, on Sundays.

9. In total, from on or about February 14, 2012 (Valentine's Day) till December 21, 2013, I would work for around sixty nine and a half (69.5) hours a week.

10. From February 2012 to March 2012, I was paid one hundred ten dollars (\$110) a day.

11. From April 2012 till the end of my employment, I was paid one hundred fifteen dollars (\$115) a day.

12. From August or September of 2012, I was transferred to ThaiNY downtown, where I worked till the end of my employment in the end of December.

13. There, I would also work from:

a. 10:30 to 23:00 with one hour break, for eleven and a half (11.5) hours, for three (3) days and thirty four and a half (34.5) hours a week;

b. From 10:30 to 24:00, with one hour break, for twelve and a half (12.5) hours, for two (2) days or twenty five (25) hours a week; and

c. From 11:00 to 22:00, with one hour break, for eleven (11) hours , with one hour break, on Sundays.

14. During the entirety of my work with these restaurants, I was never paid spread-of-hours for all days in which I worked over ten (10) hours in a workday.

15. During the entirety of my work with these restaurants, I never received a Time of Hire Notice in English and in Thai (my primary language) reflecting true rates of pay and payday.

16. I also never received any paystubs, not to say a comprehensive one that lists employee's name, employer's name, employer's address and telephone number, employee's

rate or rates of pay, any deductions made from employee's wages, any allowances claimed as part of the minimum wage, and the employee's gross and net wages for each pay day in English and in Thai (my primary language), as required by NYLL §195(1).

17. I never saw the required minimum wage poster.

18. I know that everyone at the kitchen was paid at a daily rate.

19. I know YAI who is the big Thai Chef at ThaiNY Downtown, who is my good friend.

20. YAI is paid one hundred fifty dollars (\$150) a day.

21. I know it because we work together at the same place, and being good friends, we sometimes gossip.

22. YAI worked six (6) days a week with Thursday off.

23. YAI work around the same hours as me, from 10:30 to 23:00.

24. I also know ROBERTO, who is a big Spanish-speaking Mexican chef, who is the big chef at ThaiNY Uptown.

25. I know MOSES and CARLOS, two Spanish-speaking Mexican kitchen workers also work six (6) days.

26. MOSES and CARLOS work around the same hours as me, from 10:30 to 23:00.

27. I know their schedule because we would like to show who work how many day and the schedule is posted on the bulletin board.

28. Sometimes, we would take a picture of the schedule to show our friend.

29. I sincerely hope that this Court allows me to represent the interest of my co-workers in this action. These Defendants exploited me and my co-workers, and it is my hope that we will be permitted to recover wages that we are owed.

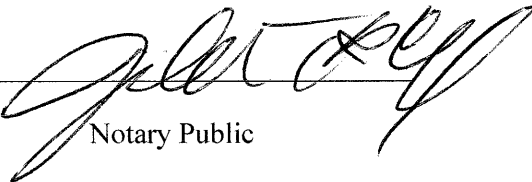
30. This document has been translated to me in my native language of Thai, and I fully comprehend the contents.

Dated: June 26, 2018

Flushing, NY

Vinai Patan
VINAI PATAN

Sworn to me this 26th day of June, 2018


Notary Public

JOHN TROY
Notary Public, State of New York
No. 02TR6121824
Qualified in Queens County
Commission Expires 04/12, 2021